

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DE LAGE LANDEN : 02 SEP 6 PM '02  
FINANCIAL SERVICES, INC., :  
Plaintiff, :  
v. : NO. 02-CV-5162  
SWISS REINSURANCE :  
AMERICA CORPORATION, :  
Defendant. :

ORDER

AND NOW, to wit, this \_\_\_\_\_ day of \_\_\_\_\_, 2002, upon consideration of the Motion of Swiss Reinsurance America Corporation for admission of Marilyn Klinger, Esquire, Peter Cofield, Esquire and Colin Batchelor, Esquire, to appear in this cause *pro hac vice*, and any response thereto, the Court finds that the Application has merit and that proof has been made to the satisfaction of this Court.

It is, therefore, ORDERED, ADJUDGED, AND DECREED that the Application of Marilyn Klinger, Esquire, Peter Cofield, Esquire and Colin Batchelor, Esquire, to appear in this cause on behalf of defendant Swiss Reinsurance America Corporation, *pro hac vice*, is GRANTED.

---

, J.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

REC'D CLERK  
SEP 12 PM 8:26

DE LAGE LANDEN	:	CIVIL ACTION
FINANCIAL SERVICES, INC.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	NO. 02-CV-5162
	:	
SWISS REINSURANCE	:	
AMERICA CORPORATION,	:	
	:	
Defendant.	:	

**SWISS REINSURANCE AMERICA CORPORATION'S MOTION FOR ADMISSION  
OF MARILYN KLINGER, ESQUIRE, PETER COFIELD, ESQUIRE AND COLIN  
BATCHELOR, ESQUIRE, PRO HAC VICE PURSUANT TO LOCAL RULE 83.5.2**

Defendant Swiss Reinsurance America Corporation, by and through its counsel, Samuel J. Arena, Jr., Esquire and Andrew W. Boczkowski, Esquire, resident members of the bar of this court in active practice, and the law firm of Stradley, Ronon, Stevens & Young, LLP, moves this court, pursuant to Local Rule 83.5.2 (b), for an order permitting the appearance *pro hac vice* of Marilyn Klinger, Esquire (California Bar No. 83508), Peter Cofield, Esquire (California Bar No. 198417), and Colin Batchelor, Esquire (California Bar No. 210499) in this action.

1. The undersigned counsel is a member in good standing of the Bar of the Commonwealth of Pennsylvania and is admitted to practice before the United States District Court for the Eastern District of Pennsylvania.

2. All of the applicants seeking to admission before this court *pro hac vice* are members in good standing of the State Bar of California. None of the applicants have ever been

reprimanded, suspended, placed on inactive status, disbarred or resigned from the practice of law.

3. Marilyn Klinger is a partner in the Los Angeles, California law firm of Sedgwick, Detert, Moran & Arnold. (Declaration of Marilyn Klinger, attached hereto as Exhibit "A" and incorporated by reference herein, ¶ 1).

4. Marilyn Klinger is a member in good standing of the bar of the State of California, and is admitted to the federal bar for the United States District Court for the Central, Northern, Eastern and Southern Districts of California and the Ninth Circuit Court of Appeals. (Klinger Declaration, ¶ 2).

5. Marilyn Klinger has not been suspended or disbarred from any court or from practice before any bar, and is a member in good standing of every bar to which she has ever been admitted. (Klinger Declaration, ¶ 3).

6. Marilyn Klinger is fully familiar with the allegations and issues of the above-captioned matter. (Klinger Declaration, ¶ 4).

7. Marilyn Klinger has represented Swiss Reinsurance America Corporation in connection with a number of other legal matters in addition to this action for an extended period of time, and Swiss Reinsurance America Corporation desires to also be represented by Marilyn Klinger in the above-captioned matter. (Klinger Declaration, ¶ 4).

8. Peter Cofield is an associate in the Los Angeles, California law firm of Sedgwick, Detert, Moran & Arnold. (Declaration of Peter Cofield, attached hereto as Exhibit "B" and incorporated by reference herein, ¶ 1).

9. Peter Cofield is a member in good standing of the bar of the State of California, and is admitted to the federal bar for the United States District Court for the Central, Northern, Eastern and Southern Districts of California. (Cofield Declaration, ¶ 2).

10. Peter Cofield has not been suspended or disbarred from any court or from practice before any bar, and is a member in good standing of every bar to which he has ever been admitted. (Cofield Declaration, ¶ 3).

11. Peter Cofield is fully familiar with the allegations and issues of the above-captioned matter. (Cofield Declaration, ¶ 4).

12. Peter Cofield has represented Swiss Reinsurance America Corporation in connection with a number of other legal matters in addition to this action for an extended period of time, and Swiss Reinsurance America Corporation desires to also be represented by Peter Cofield in the above-captioned matter. (Cofield Declaration, ¶ 4).

13. Colin Batchelor is an associate in the Los Angeles, California law firm of Sedgwick, Detert, Moran & Arnold. (Declaration of Colin Batchelor, attached hereto as Exhibit "C" and incorporated by reference herein, ¶ 1).

14. Colin Batchelor is a member in good standing of the bar of the State of California, and is admitted to the federal bar for the United States District Court for the Central, Northern, Eastern and Southern Districts of California. (Batchelor Declaration, ¶ 2).

15. Colin Batchelor has not been suspended or disbarred from any court or from practice before any bar, and is a member in good standing of every bar to which he has ever been admitted. (Batchelor Declaration, ¶ 3).

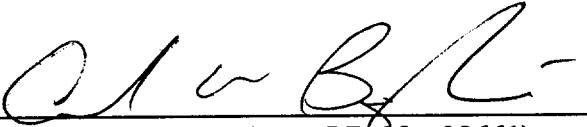
16. Colin Batchelor is fully familiar with the allegations and issues of the above-captioned matter. (Batchelor Declaration, ¶ 4).

17. Colin Batchelor has presented Swiss Reinsurance America Corporation in connection with a number of other legal matters in addition to this action for an extended period of time, and Swiss Reinsurance America Corporation desires to also be represented by Colin Batchelor in the above-captioned matter. (Batchelor Declaration, ¶ 4).

18. Marilyn Klinger, Esquire, Peter Cofield, Esquire and Colin Batchelor, Esquire, will have the undersigned, who are generally admitted to the bar of this Court and have entered their appearances of record, as associate counsel of record pursuant to Local Rule 83.5.2.

19. No good cause for denial of this motion exists.

By:

  
Samuel J. Arena, Jr. (Atty. I.D. No. 38661)  
Andrew Boczkowski (Atty. I.D. No. 83252)  
STRADLEY, RONON, STEVENS & YOUNG, LLP  
2600 One Commerce Square  
Philadelphia, Pennsylvania 19103  
(215) 564-8000

Attorneys for Defendant  
Swiss Reinsurance America Corporation



**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DE LAGE LANDEN FINANCIAL )  
SERVICES, INC., )  
                               )  
Plaintiff,                 )  
                               ) CIVIL ACTION  
v.                             )  
                               ) NO. 02-5162  
SWISS REINSURANCE AMERICA )  
CORPORATION,                 )  
                               )  
Defendant.                 )

**I, Marilyn Klinger, declare as follows:**

1. I am an attorney at law, duly licensed to practice before all courts of the State of California. I am a member of the State Bar of California, license number 83508, and a partner in the law firm of Sedgwick, Detert, Moran & Arnold, counsel for Swiss Reinsurance America Corporation in the above matter. I submit this declaration in support of my application to appear before the United States District Court for the Eastern District of Pennsylvania, *pro hac vice*. The matters set forth below are within my own personal knowledge and if called on to testify in this matter, I could and would competently testify thereto.

2. I am admitted to practice law before all of the California state courts, the United States District Court for the Central, Northern, Eastern and Southern Districts of California, and the Ninth Circuit Court of Appeals

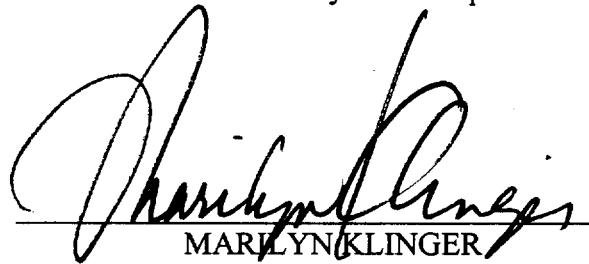
3. I have never had, nor do I presently have, a grievance pending against me. I have never been reprimanded, suspended, placed on inactive status, disbarred or resigned from the

practice of law.

4. I am fully familiar with the proceedings herein. I have represented Swiss Reinsurance America Corporation on a number of matters. Swiss Reinsurance has asked me to represent it in this matter.

5. This request for admission pro hac vice is for the purpose of representing Swiss Reinsurance for the remainder of this case. This request is for good cause and is based upon my expertise in the subject matter of the litigation at bar and familiarity with respect to Swiss Reinsurance's affairs and operations.

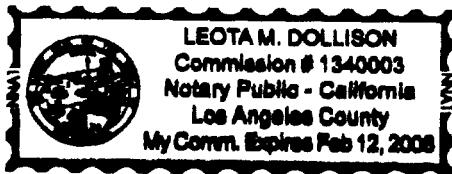
DATED: September 9, 2002



MARILYN KLINGER

**JURAT**

State of CALIFORNIA }  
 County of LOS ANGELES } ss.



Subscribed and sworn to (or affirmed) before me

this 9th day of SEPTEMBER, 2002 by

(1) MARYLYN KLINGER

Name of Signer(s)

(2) \_\_\_\_\_

Name of Signer(s)

Leota M. Dollison

Signature of Notary Public

**OPTIONAL**

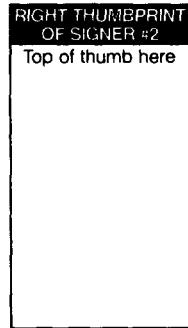
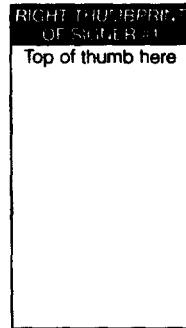
Though the information in this section is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

**Description of Attached Document**

Title or Type of Document: KLINGER DECLARATION, ETC.

Document Date: 9-9-02 Number of Pages: 2

Signer(s) Other Than Named Above: VOLPE





**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DE LAGE LANDEN FINANCIAL )  
SERVICES, INC., )  
Plaintiff, ) CIVIL ACTION  
v. ) NO. 02-5162  
SWISS REINSURANCE AMERICA )  
CORPORATION, )  
Defendant. )

**I, Peter Cofield, declare as follows:**

1. I am an attorney at law, duly licensed to practice before all courts of the State of California. I am a member of the State Bar of California, license number 198417, and an associate in the law firm of Sedgwick, Detert, Moran & Arnold, counsel for Swiss Reinsurance America Corporation in the above matter. I submit this declaration in support of my application to appear before the United States District Court for the Eastern District of Pennsylvania, *pro hac vice*. The matters set forth below are within my own personal knowledge and if called on to testify in this matter, I could and would competently testify thereto.

2. I am admitted to practice law before all of the California state courts, and the United States District Court for the Central, Northern, Eastern and Southern Districts of California.

3. I have never had, nor do I presently have, a grievance pending against me. I have never been reprimanded, suspended, placed on inactive status, disbarred or resigned from the practice of law.

///

4. I am fully familiar with the proceedings herein. I have represented Swiss Reinsurance America Corporation on a number of matters. Swiss Reinsurance has asked me to represent it in this matter.

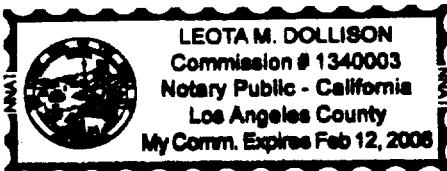
5. This request for admission pro hac vice is for the purpose of representing Swiss Reinsurance for the remainder of this case. This request is for good cause and is based upon my expertise in the subject matter of the litigation at bar and familiarity with respect to Swiss Reinsurance's affairs and operations.

DATED: September 9, 2002

  
PETER COFIELD

**JURAT**

State of CALIFORNIA }  
 County of LOS ANGELES } ss.



Subscribed and sworn to (or affirmed) before me

this 9TH day of SEPTEMBER 2002, by

(1) PETER COFIELD  
Name of Signer(s)

(2) \_\_\_\_\_  
Name of Signer(s)

Leota M. Dollison  
Signature of Notary Public

**OPTIONAL**

Though the information in this section is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

**Description of Attached Document**

Title or Type of Document: COFIELD DECLARATION, ETC.

Document Date: 9-9-02 Number of Pages: 2

Signer(s) Other Than Named Above: LOVE

RIGHT THUMBPRINT OF SIGNER #1
Top of thumb here

RIGHT THUMBPRINT OF SIGNER #2
Top of thumb here

Exhibit C

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DE LAGE LANDEN FINANCIAL )  
SERVICES, INC., )  
Plaintiff, ) CIVIL ACTION  
v. ) NO. 02-5162  
SWISS REINSURANCE AMERICA )  
CORPORATION, )  
Defendant. )

**I, Colin Bachelor, declare as follows:**

1. I am an attorney at law, duly licensed to practice before all courts of the State of California. I am a member of the State Bar of California, license number 210499, and an associate in the law firm of Sedgwick, Detert, Moran & Arnold, counsel for Swiss Reinsurance America Corporation in the above matter. I submit this declaration in support of my application to appear before the United States District Court for the Eastern District of Pennsylvania, *pro hac vice*. The matters set forth below are within my own personal knowledge and if called on to testify in this matter, I could and would competently testify thereto.

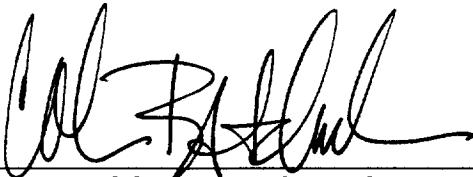
2. I am admitted to practice law before all of the California state courts, and the United States District Court for the Central District of California

3. I have never had, nor do I presently have, a grievance pending against me. I have never been reprimanded, suspended, placed on inactive status, disbarred or resigned from the practice of law.

4. I am fully familiar with the proceedings herein. I have represented Swiss Reinsurance America Corporation on a number of matters. Swiss Reinsurance has asked me to represent it in this matter.

5. This request for admission pro hac vice is for the purpose of representing Swiss Reinsurance for the remainder of this case. This request is for good cause and is based upon my expertise in the subject matter of the litigation at bar and familiarity with respect to Swiss Reinsurance's affairs and operations.

DATED: September 9, 2002

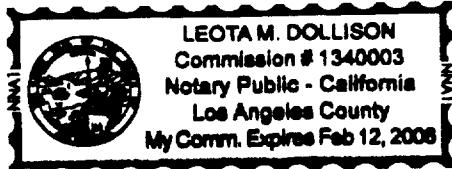


---

COLIN BATCHELOR

**JURAT**

State of CALIFORNIA }  
 County of LOS ANGELES } ss.



Subscribed and sworn to (or affirmed) before me

this 9/9 day of SEPTEMBER, 2002, by

(1) COLIN BACHELOR  
Name of Signer(s)

(2) \_\_\_\_\_  
Name of Signer(s)

Leota M. Dollison  
Signature of Notary Public

**OPTIONAL**

Though the information in this section is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

**Description of Attached Document**

Title or Type of Document: BACHELOR DECLARATION, ETC.

Document Date: 9-9-02 Number of Pages: 2

Signer(s) Other Than Named Above: None

RIGHT THUMBPRINT OF SIGNER #1
Top of thumb here

RIGHT THUMBPRINT OF SIGNER #2
Top of thumb here

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DE LAGE LANDEN	:	CIVIL ACTION
FINANCIAL SERVICES, INC.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	NO. 02-CV-5162
	:	
SWISS REINSURANCE	:	
AMERICA CORPORATION,	:	
	:	
Defendant.	:	

**MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT SWISS REINSURANCE  
AMERICA CORPORATION'S MOTION FOR ADMISSION OF MARILYN KLINGER,  
ESQUIRE, PETER COFIELD, ESQUIRE AND COLIN BATCHELOR, ESQUIRE, PRO  
HAC VICE PURSUANT TO LOCAL RULE 82.5.2**

Defendant, Swiss Reinsurance America Corporation, submits the following memorandum of law in support of its motion to appear *pro hac vice* in the above-entitled matter.

A. THIS COURT HAS THE INHERENT POWER TO ADMIT THE PROFFERED ATTORNEYS

---

One of the inherent powers of any federal court is the admission and supervision of the conduct of attorneys practicing before it. Commonwealth Ins. Co. v. Graphiz Hot Line, Inc., 808 F.Supp. 1200, 1203 (E.D. Pa 1992) (citing, In re Corn Derivatives Antitrust Litigation, 748 F.2d 157, 161 (3d Cir. 1984)). Furthermore, this Court has recognized that a party's "choice of counsel is subject to substantial deference." See Commonwealth, 808 F.Supp. at 1203. This Court has further held that a court should not deprive a party of "the freedom to choose the advocate who will represent [its] claims, nor lightly dismiss the trust and confidence [the party] has placed in [its] chosen counsel." Hamilton v. Merrill Lynch, 645 F.Supp. 60, 61 (E.D. Pa. 1986). The Third Circuit has held that "the right to *counsel pro hac vice* is encompassed

analytically within the right to counsel of choice...and should be granted unless considerations of judicial administration supervene." Fuller v. Diesslin, 868 F.2d 604, 607, n. 2 (3rd Cir. 1989).

Accordingly, the proffered attorneys should be permitted to represent Swiss Re in this action. Moreover, the requested admission will not prejudice the plaintiff, nor will it affect the efficient judicial administration of this matter.

**B. THE PROFFERED ATTORNEYS ARE QUALIFIED TO APPEAR AS COUNSEL  
PRO HAC VICE FOR SWISS REINSURANCE America CORPORATION**

The verified applications of Marilyn Klinger, Peter Cofield and Colin Batchelor establish that each is a duly licensed member in good standing of the California State Bar and that each is a resident of California regularly practicing law at SEDGWICK, DETERT, MORAN & ARNOLD, 801 S. Figueroa Street, 18th Floor, Los Angeles, California, 90017-5556. The verified applications of Ms. Klinger, Mr. Cofield and Mr. Batchelor are attached to the motion as Exhibits "A," "B," and "C," respectively.

Ms. Klinger is admitted to practice law before all of the California state courts, the United States District Court for the Central, Northern, Eastern and Southern Districts of California, and the Ninth Circuit Court of Appeals. Mr. Cofield is admitted to practice law before all of the California state courts, and the United States District Court for the Central, Northern, Eastern and Southern Districts of California. Mr. Batchelor is admitted to practice law before all of the California state courts, and the United States District Court for the Central District of California.

Ms. Klinger, Mr. Cofield and Mr. Batchelor have not been suspended or disbarred from any court or from practice before any bar, and are members in good standing of every bar to which they have been admitted.

Ms. Klinger, Mr. Cofield and Mr. Batchelor have represented Swiss Reinsurance America Corporation in connection with a number of other legal matters in addition to this action for an extended period of time, and Swiss Reinsurance America Corporation desires to also be represented by Ms. Klinger, Mr. Cofield and Mr. Batchelor in the above-captioned matter.

In accordance with Local Rule 83.5.2(a), the proffered attorneys will be associated in this case with Samuel J. Arena, Jr., Esquire and Andrew W. Boczkowski, Esquire, resident members of the bar of this Court in active practice, and the law firm of Stradley, Ronon, Stevens & Young, LLP.

C. CONCLUSION

For the foregoing reasons, Swiss Reinsurance America Corporation respectfully requests that the Court grant the applications of Marilyn Klinger, Esquire, Peter Cofield, Esquire and Colin Batchelor, Esquire, for admission to this Court, *pro hac vice*.

By:   
Samuel J. Arena, Jr. (Atty. I.D. No. 38661)  
Andrew Boczkowski (Atty. I.D. No. 83252  
STRADLEY, RONON, STEVENS & YOUNG, LLP  
2600 One Commerce Square  
Philadelphia, Pennsylvania 19103  
(215) 564-8000

Attorneys for Defendant  
Swiss Reinsurance America Corporation

**CERTIFICATE OF SERVICE**

I, Andrew W. Boczkowski, Esquire, hereby certify that on September 10, 2002, I caused a true and correct copy of the foregoing to be served by first class mail, postage prepaid on the following:

Peter J. Deeb, Esquire  
Frey, Petrakis, Deeb & Blum  
1601 Market Street, 6<sup>th</sup> Floor  
Philadelphia, PA 19103



Andrew W. Boczkowski, Esquire